

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: David Smith - Paramedic

Petition No. 2000-0114-072-001

CONSENT ORDER

WHEREAS, David Smith of Clinton (hereinafter "respondent") has been issued license number 001004 to practice as a paramedic by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 368d of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. During March 1998, respondent was employed as a paramedic at Middlesex Hospital.
2. On or about March 11, 1998, respondent was dispatched to a call reporting "man down in the front yard."
3. When respondent arrived at the scene, ambulance personnel advised that they were about to cancel the paramedic call as it was now a "lift assist."
4. After respondent arrived at the scene, he discovered that the patient, M.L., was intoxicated, responded to noxious stimuli and vital signs were within normal limits.
5. After discussing with residents of the house the need to transport M.L., the residents of the house refused to have M.L. transported. Respondent did not ascertain the identity of the residents to determine their legal responsibility to speak on behalf of M.L. Respondent also did not obtain a "Release from Responsibility for Discharge Form" from the patient or, if the patient was incompetent, a family member. Respondent believed the "Release

from Responsibility for Discharge Form” was obtained by ambulance personnel.

6. Respondent did not follow sponsor hospital protocol in that he did not transport a patient with altered mental status to the hospital for medical evaluation and did not contact Medical Control.
7. Respondent did not fully assess M. L.’s altered mental status.
8. After a second 911 call, M.L. was discovered not to be breathing, and was transported to the Middlesex Hospital emergency room where he died of Multiple Drug Toxicity.
9. The Petitioner alleges that the above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §19a-180(b), and/or the Regulations of State Agencies including, but not limited to §19a-179-9(f).

WHEREAS, respondent, admitting no guilt or wrongdoing, chooses not to contest this matter and agrees to enter into this Consent Order. The respondent understands that for purposes of this or any future proceedings before a hearing officer designated by the Commissioner (hereinafter “the Department”), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-180 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-180 and 19a-17 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent’s license number 001004 to practice as a paramedic in the State of Connecticut is hereby placed on probation.

3. Respondent's license shall be placed on probation for a period of two years under the following terms and conditions:
 - a. Respondent shall provide his employer at each place where respondent practices as a paramedic throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide reports from such employer monthly for the first six months of the probation; and quarterly for the remainder of the probationary period, stating that respondent is practicing with reasonable skill and safety. The employer will meet with him monthly for the duration of his probationary period.
 - b. Respondent shall obtain at his own expense, the services of an independent consultant, pre-approved by the Department (hereinafter "supervisor"), to conduct a monthly random written review of twenty percent (20%) of respondent's paramedic records.
 - (1) Respondent shall be responsible for providing written supervisor reports directly to the Department monthly for the first six months of the probationary period and quarterly for the remainder of the probationary period.
 - (2) Respondent's supervisor shall meet with him monthly for the first six months of the probationary period and quarterly for the remainder of his probationary period.

- (3) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (4) Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and general description of the paramedic records, additional monitoring techniques utilized, and statement that respondent is practicing with reasonable skill and safety.
 - c. Within the first nine months of the probationary period, respondent shall attend and successfully complete forty-eight (48) hours of coursework, including but not limited to, courses on Substance Abuse and Patient Assessment, pre-approved by the Department. Coursework beginning on or after January 1, 2001 is acceptable. After the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).
- 4. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford, CT 06134-0308
- 5. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

6. Respondent shall comply with all State and Federal statutes and regulations applicable to his licensure.
7. Respondent shall pay all costs necessary to comply with this Consent Order.
8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s), which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Hearing Officer by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

9. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a paramedic, upon request by the Department, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45-day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, Sections 4-182(c) and 19a-17(c).
10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.
11. In the event respondent is not employed as a paramedic for periods of thirty (30) consecutive days or longer, or is employed as a paramedic less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.
12. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.

13. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
14. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which his compliance with this Consent Order or with §19a-180(b) of the General Statutes of Connecticut, as amended, is at issue.
15. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
16. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
17. This Consent Order is a revocable offer of settlement, which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
18. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

19. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
20. Respondent has the right to consult with an attorney prior to signing this document.

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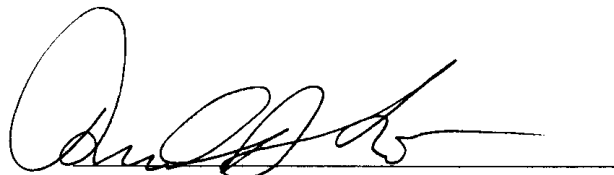
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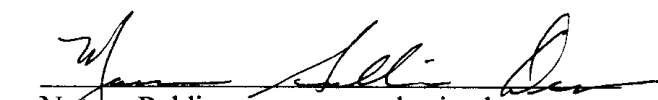
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I, David Smith, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


David Smith

Subscribed and sworn to before me this 25th day of September, 2001.


~~Notary Public~~ or person authorized
By law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 5th day of October, 2001, it is hereby accepted.


Debra J. Turcotte, Director
Division of Health Systems Regulation